

in paragraph 6, to "necessitate" the new ground(s) of rejection. At a minimum, the final rejection is **premature**. MPEP § 706.07(d).

NISHIKAWA is alleged, on the basis of its FIG. 6, ref. 14C, to disclose a "terminal forming area for connecting the gate or source line to an external signal source" but this reading of NISHIKAWA seems to be an *unwarranted assumption*. NISHIKAWA col. 7, lines 52-57, state that 14C is "an input terminal electrode . . . which . . . functions to transmit a signal to the storage capacitor electrode 40" and col. 8, lines 16-22, state that "the storage capacitor electrode 40 provides each pixel electrode with a voltage in accordance with the voltage applied to the input terminal electrode 14C" and "it is possible to appropriately control the voltage of the storage capacitor electrode 40 without making contact holes by the photoetching process" (emphasis added). The apparent purpose of applying this driving signal to the capacitor electrode (col. 4, lines 50-64) is to "prevent generation of a leakage current caused by operation of non-selected thin film transistors" and "to make such defective pixels less distinguishable" rather than to switch all pixels on or off. Thus, the NISHIKAWA external signal on 14C, unlike the external signal in the present claim 1, is not intended to actuate a TFT (Thin Film Transistor) by changing voltage on a gate or source line. There would accordingly be no reason to attempt combination of the NISHIKAWA structure with the FUJIHARA structure, nor would such a combination, *even if accomplished*, result in a structure in which the external signal source and terminal electrode are applied

to the gate or source of the "switching element."

ELLIS seems to have been cited merely because it shows a liquid crystal layer interposed between the substrate and counter substrate. Applicants readily agree that liquid crystal display devices contain a liquid crystal layer, but, aside from this essentially universal feature, fail to see how the proposed combination of ELLIS with FUJIHARA and NISHIKAWA would bring the combined structure any closer to the present invention than a combination of just FUJIHARA and NISHIKAWA. As already established above, no FUJIHARA-NISHIKAWA combination would result in the presently claimed structure. Perhaps the ELLIS structure really does have the advantages (e.g. improved aperture ratio) stated in the cited ELLIS passage (col. 2, line 64, to col. 3, line 3) but there is no relevance to the presently claimed invention.

## CONCLUSION

Reconsideration and withdrawal of the section 103 rejection are solicited. Applicants agree with the general principle of In re Thorpe that "the patentability of a product does not depend upon its method of production." However, Applicants respectfully point out that the structures recited in claim 1, and in its dependent claims 2-6, are novel, not obvious from the cited references, and have manufacturing advantages (making electrostatic discharges harmless and preventing exfoliation) which warrant grant of patent protection. The amendment of AUG. 29, 2003 was merely intended to emphasize the inherent advantages of the claimed structure, not to introduce a product-by-process feature. Please re-read specification page 5, lines 23-27, and specification page 7, lines 2-9. Allowance of the claims is solicited.

If the Examiner has any remaining questions or wishes to make any suggestions to place the application in condition for allowance, a telephone call to the undersigned is invited.

Respectfully submitted,

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